

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHEL RAMSBOTTOM, ET AL.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 3:21-cv-00272
v.)	
)	JURY TRIAL DEMANDED
LORIN ASHTON,)	
)	MAGISTRATE JUDGE JEFFERY S.
Defendant.)	FRENSLEY
)	
)	
)	
)	
)	
)	

**DEFENDANT LORIN ASHTON’S UNOPPOSED MOTION TO FILE DOCUMENTS
UNDER SEAL**

On October 14, 2022, Defendant, Lorin Ashton, (“Defendant”), by and through his undersigned counsel, will be filing: (1) Defendant’s Motion to Compel (“Defendant’s Motion to Compel”) Plaintiffs’¹ Responses to Defendant’s First Set of Interrogatories (“Defendant’s Rogs”) and Defendant’s First Request for Admission (“Defendant’s RFAs”); and (2) Defendant’s Motion for a Protective Order (“Defendant’s Motion for a Protective Order”) concerning Plaintiffs’ First Set of Document Requests.

In connection with Defendant’s Motion to Compel and Defendant’s Motion for a Protective Order, pursuant to Local Rule 5.03 and 5.07 of Administrative Order No. 167-1, Defendant moves to file the following associated documents under seal (collectively, the “Seal Requested Documents”):

¹ The term “Plaintiffs” collectively refers to Plaintiffs Rachel Ramsbottom (“Ramsbottom” and “RR”), Alexis Bowling (“Bowling” and “AB”) and Jenna Houston (“Houston” and “JH”).

A. Defendant's Motion to Compel

Plaintiffs' Responses to Defendant's Rogs which can be found at:

1. Dkt. 128-7: Exhibit C(AB) to the October 14, 2022 Declaration of Mitchell Schuster (Dkt. 128, "Schuster Decl. – Compel Motion");
2. Dkt. 128-8: Exhibit C(JH) to the Schuster Decl. – Compel Motion;
3. Dkt. 128-9: Exhibit C(RR) to the Schuster Decl. – Compel Motion.

Plaintiffs' Responses to Defendant's RFAs which can be found at:

1. Dkt. 128-10: Exhibit D(AB) to the Schuster Decl. – Compel Motion;
2. Dkt. 128-11: Exhibit D(JH) to the Schuster Decl. – Compel Motion;
3. Dkt. 128-12: Exhibit D(RR) to the Schuster Decl. – Compel Motion;
4. Dkt. 128-13: Exhibit E(AB) to the Schuster Decl. – Compel Motion;
5. Dkt. 128-14: Exhibit E(JH) to the Schuster Decl. – Compel Motion;
6. Dkt. 128-15: Exhibit E(RR) to the Schuster Decl. – Compel Motion.

B. Defendant's Motion for a Protective Order

Defendant's Responses to Plaintiffs' First Set of Document Requests which can be found at:

1. Dkt. 131-2: Exhibit B to the October 14, 2022 Declaration of Mitchell Schuster.

The aforementioned exhibits consist of discovery exchanged between the parties which according to the producing party, includes, in part, confidential information, such as private medical information, comprehensive contact information for party witnesses, and the parties' social media information. Since the start of the discovery process, the parties have made attempts in good faith to reach an agreement on a Protective Order which would govern CONFIDENTIAL designations of discovery material in the matter. However, the parties had not resolved their disputes concerning language in such Protective Order prior to the delivery of the parties' respective written

responses and the production of responsive documents. Thus, in or around August 2022, counsel for the parties agreed to treat the discovery material exchanged between the parties as CONFIDENTIAL pending the entry of a Protective Order and apprised the Court of this agreement, to which the Court did not take issue. Because certain of the discovery material deemed confidential per the parties' August 2022 agreement is germane to Defendant's Motion to Compel and Defendant's Motion for a Protective Order, Defendant has conferred with counsel for Plaintiffs and Plaintiffs do not oppose the sealing request made herein.

It has long been recognized that every Court has supervisory power over its own records and files. Nixon vs. Warner Communications, 435 U.S. 589, 598 (1977). It is within its discretion to seal the records "when interests of privacy outweigh the public's right to know." In Re Knoxville News Sentinel Co., 723 F. 2d 470, 474 (6th Cir. 1983) [quoting from Brown & Williamson Tobacco Corp. vs. FTC, 710 F. 2d 1165, 1179 (6th Cir. 1983)].

To be clear, Defendant does not seek a permanent "blanket order" to seal all discovery material. Rather, Defendant respectfully requests that only the Seal Requested Documents be filed under seal, maintaining status quo of treating discovery material as CONFIDENTIAL and that the Seal Requested Documents not be disclosed to the public or made public record, until the parties enter a Protective Order. To the extent that a document is currently restricted from public viewing on the docket but is not identified as a Seal Requested Document above, that document can be publicly filed and no longer needs to be restricted.

WHEREFORE, Defendant respectfully requests that the Court grant the motion because Defendants' request complies with Local Rule 5.03, Administrative Order No. 167-1, and the Federal Rules of Civil Procedure.

Respectfully Submitted,

s/ Robert A. Peal

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 14th day of October, 2022:

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